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09/810,548	03/19/2001	Aki Tomita	520.39598X00	6782

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EXAMINER	
ALAUBAIDI, HAYTHIM J	

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/810,548	TOMITA ET AL.	
	Examiner	Art Unit	
	Haythim J. Alaubaidi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5 and 7-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5 and 7-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is a Final Office Action in response to the amendment filed on September 09, 2004.

2. Claims 1, 3, 5 and 7-18 are presented for examination following the amendment.

3. Claims 1, 3, 5 and 7-18, are rejected under 35 U.S.C. 103(a).

Priority

4. Applicant's claim for foreign priority under 35 U.S.C. §119(a)–(d) is acknowledged. Therefor accorded the benefit date of November 01, 2000.

Response to Arguments

5. Applicant's arguments filed in the amendment of September 09, 2004 have been fully considered but they are not persuasive.

a. Applicant argues that Nishizawa does not teach the limitations of transformation, by said data format transformation, having a data format which is used for an application executed on one database system into data having another data format which is used for an application executed on one database system. The Examiner however respectfully disagree. Nishizawa discloses:

i. transformation, by said data format transformation (Figure No. 6, Element No. 607)

ii. having a data format which is used for an application executed on one database system:
(Figure 5, Element No. 504 and 505 and corresponding text; see also Figure 7, Element No. (701-703 as the Application) and (704 as the database); see also Figure 15, Element No. (1501 as the application) and (1505 as the database and corresponding text; see also Col 9, Lines 4-17; see also Col 2, Lines 64-65, i.e. ({"data read out" as the application} and {"from the magnetic memory" as the database}); see also Col 3, Lines 10-18; see also Col 1, Lines 28-38; see also Col 12, Lines 1-5, i.e. ({"requested from an XML application" as the application} and the {"data read out from said medium" as the database});

iii. into data having another data format which is used for an application executed on one database system:
(Col 9, Lines 4-17; see also Col 2, Lines 65-67 i.e. client computer; see also Col 3, Lines 4-6; see also Col 3, Lines 10-18; see also Col 1, Lines 28-38; see also Col 10, Lines 6-9).

In edition, Applicants own argument on Page 3, of the amendment filed September 09, 2004 is admitting that Nishizawa does describe converting data

formats stored on disk unites to another format used by different type of application program. The Examiner would like to bring to the Applicant attention that the language for the word "application" in the limitation of the independent Claims 1, 3, 5 and 14-17 are broad enough to read on part of a memory or database, any part of the memory, data storage or the data base can be an application; the Examiner realize that specifying the type of an application, such as, a "computer program application" would render the claim in a better condition for examination and differentiate it from the prior art.

b. Applicant argues on Page 4 of the amendment filed September 09, 2004 that Nishizawa does not teach information for specifying the data format transformation program (the request itself)[1]. The Examiner however respectfully disagree. Nishizawa discloses information for specifying the data format transformation program (the request itself), this limitation was addressed in rejecting the limitation (c) of Claim 1 below, in addition, please see (Figure 5, Element No 504 and corresponding text; see also Col 8, Lines 21-23, i.e. request and data type conversion; see also Figure 16, Element No. 1606 and corresponding text, i.e. create new document; see also Col 5, Lines 21-24).

[1] This is according to the amendment of September 09, 2004 on Page 4, 3rd paragraph.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 5, 7-8, 10 and 14-18, are rejected under 35 U.S.C. 103(a) as being unpatentable by Itaru Nishizawa (U.S. Patent No. 6,519,598 and Nishizawa hereinafter) in view of Takashi Suzuki (U.S. Patent No. 6,125,304 and Suzuki hereinafter).

Regarding Claims 1, 3, 5, 8, 14-16 and 18 Nishizawa discloses:

a- host computer (Col 4, Line 22, i.e. *client computer 101 and 102*)

a skeleton program for instructing data format transformation (Col 8, Lines 21-22, i.e. *when the XML application [2] issues the data request 1412*; see also Figure No. 6, Element No. 602, i.e. *receive the data request from a client computer*)

a communication program (Figure No. 1, Element No. 106; see also Col 4, Lines 29-33, i.e. *The magnetic disk apparatus [3] 108 comprises a network interface for connecting the magnetic disk apparatus to the network and for assuring communication between the client computers and the data conversion program server*);

b- said disk storage device having (Figure No. 3, Element No. 320)

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[2] Please note that the Examiner is interpreting this example of the "XML Application" to be the same as the "skeleton program" as they both are programs that are requesting a conversion or a transformation.

a data format transforming program[4] (Figure No. 3, Element No. 316)

a second communication program (Figure No. 3, Element No. 323);

c- said the skeleton program sending a request to said data format transformation program (Col 5, Lines 22-25, i.e. *the client issues the data request to the magnetic disk apparatus. An example of the data request is shown in FIG. 10. the data request includes three designations of data output format*) on said disk storage (*please note that this was established earlier above, see Figure 3, Element 316*) via said communication program for communicating with said disk storage, (*also was established earlier above, see figure 3, Element 323*) at the time of data format transformation (Figure No. 6, Element No. 607 and 608)[5];

d- said data format transformation program receives the request via said second communication program (Figure No. 6, Element No. 602);

e- transformation, by said data format transformation (Figure No. 6, Element No. 607)

iv. having a data format which is used for an application executed on one database system:

(Figure 5, Element No. 504 and 505 and corresponding text;

see also Figure 7, Element No. (701-703 as the Application)

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[3] Please note that the Examiner is interpreting this "*magnetic disk apparatus*" to be the same as the "disk storage" of Claim No.1

[4] Please note that the Examiner is interpreting the "data format transforming program" to be the same as the "data conversion" in the Nishizawa reference.

[5] The Examiner would like to direct the Applicant's attention to the fact that ending the data conversion process (as in Figure 6, Element 608) is an indication that this process of sending and receiving this "request" is actually happening, also Figure 6, Element 607 is another good example for showing the transformation (conversion) at the current time.

and (704 as the database); see also Figure 15, Element No. (1501 as the application) and (1505 as the database and corresponding text; see also Col 9, Lines 4-17; see also Col 2, Lines 64-65, i.e. ({"data read out" as the application} and {"from the magnetic memory" as the database}); see also Col 3, Lines 10-18; see also Col 1, Lines 28-38; see also Col 12, Lines 1-5, i.e. ({"requested from an XML application" as the application} and the {"data read out from said medium" as the database});

v. into data having another data format which is used for an application executed on one database system:
(Col 9, Lines 4-17; see also Col 2, Lines 65-67 i.e. client computer; see also Col 3, Lines 4-6; see also Col 3, Lines 10-18; see also Col 1, Lines 28-38; see also Col 10, Lines 6-9).

f- storing by said disk storage device, data having another data format (Figure 1, Element No's. 110, 111 and 107; see also Figure 2, Element No. 205-

207 and 210; see also Col 10, Lines 6-9, i.e. *or storing the converted data in the form previously requested from said client computer of the requester*) [6]

g- information for specifying the data format transformation program (the request itself)[7], this limitation was addressed in rejecting the limitation (c) above, in addition, please see (Figure 5, Element No 504 and corresponding text; see also Col 8, Lines 21-23, i.e. request and data type conversion; see also Figure 16, Element No. 1606 and corresponding text, i.e. create new document; see also Col 5, Lines 21-24).

Nishizawa reference discloses all of the claimed subject matter set forth above, including the limitation of address of source data (Figure No. 9, Element No. 906, i.e. from employee), except the reference does not explicitly indicate the two limitations regarding the size of the data to be transformed and the destination address of the transformed data. However Suzuki discloses all of the three limitation, including the "address of source data", "the size of data to be transformed" and the "destination address" (Figure No. 2A, Element No. S2; see also Col 10, Lines 49-56, i.e. *a conversion source file name, a conversion destination file name, a board (PCB) size, and a flow direction are input (step S2). The operations for inputting the PCB size and the flow direction in this process are the operations with which the data of the data items such as the (6) flow direction and the (7) PCB size, which can be changed also immediately before the conversion process, are used unchanged, or the data are changed with an input if they are to be changed*). Given the intended broad application of the

[6] Please note the location of the data format transformation (conversion), i.e. "in the magnetic disk apparatus".
[7] This is according to the amendment of September 09, 2004 on Page 4, 3rd paragraph.

Nishizawa reference, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Nishizawa with the teachings of Suzuki in order to increase the flexibility of the system by presenting a system that is more user friendly by allowing the user to directly specify the source, size and the destination of the transformed data, also to increase the process efficiency of the system.

Regarding Claim 7, Nishizawa discloses disk storage device connected to another host computer (Figure 2).

Regarding Claim 10, Nishizawa discloses the Internet as a protocol (Col 7, Lines 28-37).

Regarding Claim 17, Nishizawa discloses another data request and a third data format (Col 10, Lines 60-63)[8].

8. Claims 9 and 12, is rejected under 35 U.S.C. 103(a) as being unpatentable over Itaru Nishizawa (U.S. Patent No. 6,519,598 and Nishizawa hereinafter) in view of Michael Brown (U.S. Patent No. 6,636,808 and Brown hereinafter).

Regarding Claim 9, Nishizawa's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the mainframe computer

[8] Please note that the indication of "designation of data format" (Col 10, Lines 60-61) is an indication that more then one format can be designated (third format). And if the system can transmit one request then why it cant transmit more then one?

type. However Brown teaches a mainframe (Col 7, Lines 11-17). Given the intended broad application of the Nishizawa reference, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Nishizawa with the teachings of Brown by specifying a mainframe computer for the host to hold larger amount of data then a regular computer or server.

Regarding Claim 12, Nishizawa's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the TCP/IP protocol.

However Brown teaches TCP/IP (Col 5, Lines 26-35). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Nishizawa's reference to include a protocol such as the TCP/IP as it is a well know protocol to connect computers, just as the Internet Protocol (IP), Hypertext Transfer Protocol (HTTP) and others.

9. Claims 11 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Itaru Nishizawa (U.S. Patent No. 6,519,598 and Nishizawa hereinafter) in view of Takashi Suzuki (U.S. Patent No. 6,125,304 and Suzuki hereinafter) and further in view Michael Brown (U.S. Patent No. 6,636,808 and Brown hereinafter).

Regarding Claims 11 and 13, the combination of Nishizawa's reference and Suzuki's reference discloses all of the claimed subject matter set forth above, except they do not explicitly indicate a SCSI protocol. However Brown teaches a SCSI protocol (Col 4, Lines 37-42). It would have been obvious to a person of ordinary skill in the art

at the time of Applicant's invention to modify the teachings of both Nishizawa's and Suzuki's references to include a SCSI protocol as it is a very common protocol to connect computers, just as the TCP/IP and/or the Internet, one other reason to use SCSI protocol is due to it's known capabilities in transferring massive amount of data, such as large databases or mainframes with large amount of data.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

Patent Examiner
Technology Center 2100
Art Unite 2161
January 18, 2005

SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100